



Wahta Mohawks Citizenship Code

Enacted by Referendum October 20, 2001

1. Title

This Code shall be known as Wahta Mohawks Citizenship Code and is inclusive of any name changes made from time to time.

2. Inherent Right

This Code is enacted pursuant to the inherent right of Wahta Mohawks to determine its own citizenship.

3. Purpose

The purpose of this Code is to

- (1) Preserve the cultural and political integrity of Wahta Mohawks;
- (2) Preserve the sovereignty of Wahta Mohawks through the exercise of inherent rights; and
- (3) Provide the basis for the exercise of the rights and obligations of the citizens of Wahta Mohawks and others under its jurisdiction.

4. Enrolment

(1) A Registrar shall be appointed by the Council of Wahta Mohawks who shall be responsible for maintaining the Wahta Mohawks Citizenship Roll.

(2) All applications for Citizenship enrolment shall be made to the Registrar using such forms and regulations as may be outlined in Regulations enacted under section 9(1); provided that, in the absence of such forms and regulations, all applications shall be made in writing in a manner that clearly sets out the applicant's claim to entitlement and the provision of this Code under which the application is made.

(3) The duties of the Registrar include

- (a) Considering applications for enrolment,
- (b) Adding and deleting names from the Citizenship Roll, noting the date and particulars of each such addition or deletion;
- (c) Providing public information about the Citizenship Code; and
- (d) Such other duties as outlined in Regulations enacted under subsection 9 (1).

(4) The Registrar shall make a decision on an application for enrolment within thirty days of receipt.

5. Entitlement

A person is entitled to citizenship if:

- (1) That person was registered or entitled to be registered as a citizen of Wahta Mohawks on the date this Citizenship Code came into force;
- (2) That person, both of whose parents are entitled to citizenship, in accordance with subsection (1);



- (3) That person, having at least 50% Indian blood quantum, who has been legally adopted or adopted in accordance with Indian custom and the adoptive parent(s) are entitled to citizenship in accordance with subsection (1);
- (4) That person has one parent who is entitled to citizenship in accordance with subsection (1), and the applicant can prove at least 50% Mohawk blood quantum;
- (5) That person, whose mother is entitled to citizenship in accordance with subsection (1) but was enfranchised under the terms of the of the Indian Act upon marriage to a non-Indian, and the applicant has 50% Mohawk blood quantum.
- (6) Descendants of persons who enfranchised by application, who have 50% Mohawk blood quantum.

6. Transfers

The following Indians may transfer citizenship to Wahta Mohawks with the consent of Council;

- (1) Any Indian who becomes the spouse of a citizen and who has 50% Indian blood quantum,
Or
- (2) Any Mohawk who has 50% Mohawk blood quantum.

7. Persons Not Entitled to Citizenship

The following persons are not entitled to citizenship:

- (1) A wife or widow who is not of Indian descent, who was enrolled by virtue of the Indian Act on marriage to a citizen, and whose name was subsequently omitted or deleted from the Indian Register pursuant to that Act before this Code came into force;
- (2) The child of a person described in subsection (1), whose other parent is not a citizen nor entitled to be a citizen;
- (3) Any person who voluntarily enfranchised under the provisions of the Indian Act for any reason;
- (4) Persons not of Indian descent who acquired citizenship through marriage to a citizen under the provisions of the Indian Act, and who have since divorced.

8. Loss of Citizenship

- (1) A person ceases to be a citizen when that person
 - (a) Renounces citizenship in Wahta Mohawks; or
 - (b) Becomes a citizen of another First Nations community; or
 - (c) Was subsequently determined on an appeal not to be entitled to enrolment as a citizen; or
 - (d) Obtains citizenship by providing information that the person knows to be false.
- (2) Without limiting any other type of liability, a person described in subsection (1)(d) shall be liable to repay any financial benefits received by virtue of having falsely acquired citizenship.



9. Procedure

- (1) Council shall prescribe regulations and forms for citizenship purposes.
- (2) The onus is in every case on the applicant to demonstrate entitlement to citizenship in accordance with this Code.
- (3) No person shall become entitled to any payment of funds by or on behalf of Wahta Mohawks by reason of being enrolled as a citizen or ceasing to be a citizen, and no person who is not a citizen has any right or entitlement to land or the use of land except as provided herein.
- (4) Wahta Mohawks, members of Council, and the Registrar are immune to all civil liability in connection with actions taken or decisions made in good faith on citizenship issues.

10. Appeals

- (1) Appeals from decisions of the Registrar must be made to Council within 60 days following the Registrar's decision, using such forms and regulations as may be outlined in Regulations enacted under the authority of subsection 9(1); provided that, in the absence of such forms and regulations, all appeals shall be made in writing in a manner that clearly sets out the basis of the appeal.
- (2) In the event of an appeal, the Registrar shall provide the applicant and Council with written reasons for the decision or action taken.
- (3) Council shall thereupon set a date for the appeal and having heard all relevant submissions, will (a) confirm; or (b) overturn the Registrar's decision.
- (4) The decision of Council on a citizenship appeal is final.

11. Residence

- (1) Only citizens of Wahta Mohawks have the right, subject to any appropriate by-laws of Council, to reside in the Wahta Mohawks community and may exercise that right together with any dependent children of whom the citizen has lawful custody.
- (2) Any other person who wishes to reside in the community may apply to Council for permission to do so.
- (3) Council may, in its sole discretion, grant permission to reside and may set terms and conditions for such residence as it deems appropriate in the circumstances having regard to the availability of housing and community services, economic resources of the applicant, the applicant's participation in community life and other facts relating to the general welfare of the community.
- (4) Where a permittee breaches any of the terms or conditions set by Council, Council may, in its sole discretion at any time after the breach, terminate the residence by giving thirty days' notice to the permittee to cease residing in the community. Such notice shall state the reason for termination.
- (5) Any peace officer or bailiff may be called in aid to remove a permittee who has been given notice to leave in accordance with this Code and may use reasonable force to cause the said permittee to leave the community, together with any members of his or her family who are not citizens, together with their personal effects.
- (6) Any person residing in the community without permission and any person who fails to leave when lawfully required to do so by Council, is guilty of any offense punishable on summary conviction by a fine not exceeding \$1,000. nor less than \$250. or to imprisonment for a term not exceeding 30 days, or to both fine and imprisonment as provided herein.



(7) All decisions of Council on questions of residence are final.

12. Amendment

(1) This Code may be amended if, at a referendum held for the purpose of considering one or more proposed amendments, a majority of the electors of Wahta Mohawks vote in favor of a proposed amendment.

(2) The electors who can vote at a referendum described in subsection (1) are those Wahta Mohawk Citizens who are entitled to vote in an election for the Chief and Council of Wahta Mohawks.



FORM NO. 1 APPLICATION FOR MEMBERSHIP

WAHTA MOHAWKS CITIZENSHIP REGULATIONS

I hereby make application to be enrolled as a Citizen of the Wahta Mohawks. I understand that I am responsible for proving my eligibility for Citizenship. The statements contained in this application are true to the best of my knowledge.

Signature

Date

Print Name

OR

I hereby make application as a guardian of a minor child or applicant who is mentally incompetent within the meaning of the Indian Act to be registered as a Citizen of the Wahta Mohawks. I understand that the applicant is responsible for proving eligibility for Citizenship. The statements contained in this application are true to the best of my knowledge.

Signature

Date

Print Name

Identification of Applicant

Surname

Given Name

Middle Name(s)

Mailing Address (Street Name and Number, Apt / P.O. Box, City, Province, Postal Code)

() - - - - -
Area Code Home Telephone

() - - - - -
Area Code Work Telephone

Date of Birth - - - - -
(d) (m) (Year)

☐

Male

☐

Female

☐

Non-Status Indian

☐

Status Indian

INAC Registration Number

Name of Former Nation (if relevant)



NOTE : All applicants must complete BOTH Part 1 and Part 2 of this application form. Part 3 must also be completed for those applicants who must prove either Mohawk or Indian Blood Quantum.

Part 1: Section 5 of Wahta Mohawk Citizenship Code.

NOTE: Section 5 of the Wahta Mohawks Citizenship Code contains 6 (six) subsections, each providing a separate basis of entitlement to Citizenship. Each applicant must complete the appropriate subsection depending on the specific provision under which the application for Citizenship is being made.

Section 5(1) provides that a person is entitled to enrolment if:

1. *That person was registered or entitled to be registered as a citizen of the Wahta Mohawks Nation on the date this Citizenship Code comes into force. (October 20, 2001)*

If the application for enrolment is entitled under this provision, please describe the entitlement as of the date of June 26, 1987.



Section 5(2) provides that a person is entitled to enrolment if:

2. *That person, both of whose parents are entitled to Citizenship, in accordance with subsection (1).*

If the application for enrolment is under this provision, please describe the applicant's entitlement as follows:

a). Father of Applicant

Father's Surname	Father's Given Name	Father's Middle Name(s)
Date of Birth: _____	_____ _____ _____	<input type="checkbox"/> Status Indian
(d)	(m)	(y)
		<input type="checkbox"/> Non-Status Indian
		<input type="checkbox"/> Non-Indian

INAC Registration Number

Name of Former Nation (if relevant)

b). Mother of Applicant

Mother's Surname	Mother's Given Name	Mother's Middle Name(s)
Date of Birth: _____	_____ _____ _____	<input type="checkbox"/> Status Indian
(d)	(m)	(y)
		<input type="checkbox"/> Non-Status Indian
		<input type="checkbox"/> Non-Indian

INAC Registration Number

Name of Former Nation (if relevant)



Section 5(3) provides that a person is entitled to enrolment if

- (3) That person having at least fifty percent (50%) Indian blood quantum, who has been legally adopted or adopted in accordance with Indian custom and the adoptive parent(s) are entitled to citizenship in accordance with subsection (1).

If the application for enrolment is under this provision, please describe the applicant's entitlement as follows:

(a) *Indian Blood Quantum*

Describe the ancestry of the applicant in sufficient detail to establish 50 percent Indian Blood Quantum (also complete Part 3 of this form and attach any documents that may be necessary).

(b) *Particulars of Adoption*

Describe the particulars of the adoption of the applicant, either a legal adoption or an adoption by Indian Custom (use a separate page if necessary and attach any supporting documents).

(b) *Father of Applicant*

_____ Father's Surname		_____ Father's Given Name	_____ Father's Middle Name(s)
Date of Birth	_____ _____ _____	<input type="checkbox"/>	Status Indian
	(d) (m) (y)	<input type="checkbox"/>	Non-Status Indian
		<input type="checkbox"/>	Non-Indian
_____ INAC Registration number		_____ Name of Former Nation (if relevant)	

(a) *Mother of Applicant*

_____ Mother's Surname		_____ Mother's Given Name	_____ Mother's Middle Name(s)
Date of Birth :	_____ _____ _____	<input type="checkbox"/>	Status Indian
	(d) (m) (y)	<input type="checkbox"/>	Non-Status Indian
		<input type="checkbox"/>	Non-Indian
_____ INAC Registration Number		_____ Name of Former Nation (if relevant)	



Section 5(4) provides that a person is entitled to enrolment if:

- (4) *That person has one parent who is entitled to citizenship in accordance with subsection (1), and the applicant can prove at least fifty percent (50%) Mohawk blood quantum.*

If the application for enrolment is under this provision, please describe the applicant's entitlement as follows:

a). Parent of Applicant who is a Citizen

_____		_____	_____
Parent's Surname	Parent's Given Name	Parent's Middle Name(s)	
Parent's Date of Birth		<input type="checkbox"/> Status Indian	
_____	_____	<input type="checkbox"/> Non-Status Indian	
(d)	(m)	<input type="checkbox"/> Non-Indian	
_____		_____	
INAC Registration Number		Name of Former Nation (if relevant).	

b). Mohawk Blood Quantum

Please give an explanation of your Mohawk Ancestry (also complete Part 3 of this form and use a separate piece of paper if necessary and attach copies of all supporting documents). Please note that you are **not** required to identify any Mohawk ancestors who were born before 1881.



Section 5(5) provides that a person is entitled to enrolment if:

- (5) *That person, whose mother is entitled to citizenship in accordance with subsection (1) but was enfranchised under the terms of the Indian Act upon marriage to a non-Indian, and the applicant has fifty percent (50%) Mohawk blood quantum.*

a) *Mother of applicant*

Mother's Surname

Mother's Given Name

Mother's Middle Name(s)

Mother's Maiden Name

☐

Status Indian

Date of Birth: _____

(d)

(m)

(y)

☐

Non-Status Indian

☐

Non-Indian

INAC Registration Number

Name of Former Nation (if relevant)

b). *Particulars of applicant's Mother's Enfranchisement*

c). *Mohawk Blood Quantum*

Please give an explanation of your Mohawk Ancestry. Also, please complete part 3 of this form and use a separate piece of paper necessary and attach copies of all supporting documents. Please note that you are **not** required to identify any Mohawk ancestors who were born prior to 1881.



Part 2: Section 6 of the Wahta Mohawks Citizenship Code

Note Section 6 of the Wahta Mohawks Citizenship Code contains two (2) subsections, each providing a separate basis for transfer of Citizenship. Each applicant must complete the appropriate subsection. Following completion of the application form, please refer to the process listed under the regulations.

Section 6(1) provides that a person is entitled to transfer if:

(1) Any Indian becomes the spouse of a citizen and demonstrates fifty percent (50%) Indian blood quantum.

If the application for transfer is under this provision, please describe the applicant's entitlement as follows:

Applicant's Surname	Applicant's Given Name	Applicant's Middle Name(s)
Date of Birth		<input type="checkbox"/> Status Indian
(d) (m) (y)		<input type="checkbox"/> Non-Status Indian
		<input type="checkbox"/> Non-Indian
INAC Registration Number	Name of Former Nation	

a) *Father of Applicant*

Father's Surname	Father's Given Name	Father's Middle Name(s)
Date of Birth		<input type="checkbox"/> Status Indian
(d) (m) (y)		<input type="checkbox"/> Non-Status Indian
		<input type="checkbox"/> Non-Indian

b) *Mother of Applicant*

Mother's Surname	Mother's Given Name	Mother's Middle Name(s)
Date of Birth		<input type="checkbox"/> Status Indian
(d) (m) (y)		<input type="checkbox"/> Non-Status Indian
		<input type="checkbox"/> Non-Indian
INAC Registration Number	Name of Former Nation (if relevant)	



Section 6(2) provides that a person is entitled to transfer if:

(2) Any Mohawk who demonstrates fifty percent (50%) Mohawk blood quantum.

If the application for transfer is under this provision, please describe the applicant's entitlement as follows:

a). Father of Applicant:

Father's Surname

Father's Given Name

Father's Middle Name(s)

Date of Birth: ____|____|____|
(d) (m) (y)

☐ Status Indian

☐ Non-Status Indian

☐ Non-Indian

INAC Registration Number

Name of Former Nation (if relevant)

b). Mother of Applicant

Mother's Surname

Mother's Given Name

Mother's Middle Name(s)

Date of Birth : ____|____|____|
(d) (m) (y)

☐ Status Indian

☐ Non-Status Indian

☐ Non-Indian

INAC Registration Number

Name of Former Nation (if relevant)



Part 3: Section 7 of Wahta Mohawk Citizenship Code

Note: Section 7 of the Wahta Mohawks Citizenship Code contains 4 subsections, each providing that certain persons are **not** entitled to Citizenship. Every applicant must complete *each* of the following subsections.

Section 7(1) provides that a person is *not* entitled to enrolment if:

- (1) *A wife or a widow who is not of Indian descent, who was enrolled by virtue of the Indian Act on marriage to a citizen, and whose name was subsequently omitted or deleted from the Indian Register pursuant to that Act before this Citizenship Code comes into force (October 20, 2001).*

The Applicant is _____ is not _____
a person described in Subsection 7(1).

Section 7(2) provides that a person is *not* entitled to enrollment if that person is:

- (2) *The child of a person described in subsection (1), whose other parent is not a citizen nor entitled to be a citizen.*

The Applicant is _____ is not _____
a person described in Subsection 7(2).

Section 7(3) provides that a person is *not* entitled to enrollment if that person is:

- (3) *Any person who voluntarily enfranchised under the provisions of the Indian Act for any reason.*

The Applicant is _____ is not _____
a person described in Subsection 7(3).

Section 7(4) provides that a person is *not* entitled to enrollment if that person is :

- (4) *Any person not of Indian descent who acquired citizenship through marriage to a citizen under the provisions of the Indian Act, and who have since divorced.*

The Applicant is _____ is not _____
a person described in Subsection 7(4).



Part 4: Proof of Blood Quantum

Note: It is not necessary for all applicants to prove either Mohawk or Indian blood quantum. Depending on the basis for the application, if it is necessary for the applicant to establish either Mohawk or Indian blood quantum as part of the application, please use this section. It may or may not be necessary to provide additional proof, such as particulars of great-grandparents and previous generations.

Paternal Grandfather

Surname	Given Name	Middle Name(s)
Date of Birth: ____ ____ ____		
(d)	(m)	(y)
<input type="checkbox"/> Status Indian		
<input type="checkbox"/> Non-Status Indian		
<input type="checkbox"/> Non-Indian		
_____		_____
INAC Registration Number		Name of Former Nation (if relevant)

Paternal Grandmother

Surname	Given Name	Middle Name(s)
Date of Birth: ____ ____ ____		
(d)	(m)	(y)
<input type="checkbox"/> Status Indian		
<input type="checkbox"/> Non-Status Indian		
<input type="checkbox"/> Non-Indian		
_____		_____
INAC Registration Number		Name of Former Nation (if relevant)



Maternal Grandfather

_____ Surname		_____ Given Name		_____ Middle Name(s)	
Date of Birth: (d) (m) (y)				<input type="checkbox"/>	Status Indian
				<input type="checkbox"/>	Non-Status Indian
				<input type="checkbox"/>	Non-Indian
_____ INAC Registration Number			_____ Name of Former Nation (if relevant)		

Maternal Grandmother

_____ Surname		_____ Given Name		_____ Middle Name(s)	
Date of Birth: (d) (m) (y)				<input type="checkbox"/>	Status Indian
				<input type="checkbox"/>	Non-Status Indian
				<input type="checkbox"/>	Non-Indian
_____ INAC Registration Number			_____ Name of Former Nation (if relevant)		

Please include supportive documents as appropriate and indicate below:

- | | | |
|-------------------------------------------------------------------|------------------------------------------------------------|--------------------------------------------|
| <input type="checkbox"/> Birth Certificate of Applicant | <input type="checkbox"/> Copy of Status Card | <input type="checkbox"/> Recent Photograph |
| <input type="checkbox"/> Marriage Certificate (Change of Surname) | <input type="checkbox"/> Enfranchisement Order-In- Council | |
| <input type="checkbox"/> INAC (Indian Status Registration) Form | <input type="checkbox"/> Baptismal Certificate | |

Note: To All Applicants

Under the provisions of the Wahta Mohawks Citizenship Code and the Wahta Mohawks Citizenship Regulations, the Registrar must make a decision on this application within 30 days. If there has been no decision, please refer to the appeal section of the Regulations.